

Senate Study Bill 3056 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON SCHULTZ)

A BILL FOR

1 An Act relating to the sale, lease, or rental of water
2 treatment systems and including effective date and
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 714.16, subsection 1, paragraphs b, c, d,
2 g, h, and l, Code 2022, are amended by striking the paragraphs.

3 Sec. 2. Section 714.16, subsection 1, paragraph e, Code
4 2022, is amended by striking the paragraph and inserting in
5 lieu thereof the following:

6 e. "*Contaminant*" means any physical, chemical, biological,
7 or radiological substance in water.

8 Sec. 3. Section 714.16, subsection 1, Code 2022, is amended
9 by adding the following new paragraph:

10 NEW PARAGRAPH. *0g.* "*Health-related contaminant*" means a
11 contaminant which has a potentially adverse health effect and
12 for which a maximum contaminant level or treatment technique
13 requirement or an action level established in lieu of a maximum
14 contaminant level has been specified in the national primary
15 drinking water regulations.

16 Sec. 4. Section 714.16, subsection 2, paragraph h, Code
17 2022, is amended by striking the paragraph and inserting in
18 lieu thereof the following:

19 h. It is an unlawful practice for a person to sell,
20 lease, rent, or advertise the sale, lease, or rental of a
21 water treatment system in this state, for which claims or
22 representations related to the removal of health-related
23 contaminants are made, unless a certification body accredited
24 by the American national standards institute certifies all
25 of the claims or representations related to the removal of
26 health-related contaminants. This paragraph shall not be
27 construed as limiting a manufacturer's ability to make claims
28 or representations of removing contaminants that are not
29 health-related contaminants.

30 Sec. 5. EFFECTIVE DATE. This Act takes effect January 1,
31 2023.

32 Sec. 6. APPLICABILITY. This Act applies to the sale, lease,
33 and rental of water treatment systems, and the advertisement of
34 the sale, lease, or rental of water treatment systems, which
35 occur on or after the effective date of this Act.

1 EXPLANATION

2 The inclusion of this explanation does not constitute agreement with
3 the explanation's substance by the members of the general assembly.

4 This bill relates to the sale, lease, rental, or
5 advertisement of water treatment systems.

6 Under current law, it is an unlawful practice for a person to
7 sell, lease, rent, or advertise the sale, lease, or rental of a
8 water treatment system for which claims or representations of
9 removing health-related contaminants are made, unless the water
10 treatment system is performance tested by a third-party testing
11 agency authorized by the department of public health or the
12 manufacturer tested the system and the manufacturer's data is
13 accepted by a third-party evaluator which was approved by the
14 department of public health; the water treatment system has met
15 the performance testing requirements specified in the testing
16 protocol; the water treatment system bears a label stating,
17 "IMPORTANT NOTICE - Read the Manufacturer's Performance Data
18 Sheet" and is accompanied by the manufacturer's performance
19 data sheet, which includes general information about the
20 water treatment system and performance and test data showing
21 the contaminants certified to be reduced; and the consumer
22 information pamphlet compiled by the department of public
23 health is included with the water treatment system.

24 The bill amends the requirements so that the sale, lease,
25 rental, or advertisement of a water treatment system is not an
26 unlawful practice if a certification body accredited by the
27 American national standards institute certifies all claims
28 and representations related to the removal of health-related
29 contaminants.

30 Several types of remedies are available if a court finds
31 that a person has committed an unlawful practice, including
32 injunctive relief, disgorgement of moneys or property, and a
33 civil penalty not to exceed \$40,000 per violation.

34 The bill eliminates the requirements that a consumer
35 of a water treatment system be provided the manufacturer's

1 performance data sheet or a consumer information pamphlet
2 compiled by the department of public health.

3 The bill does not affect Code section 714.16(2)(i) or Code
4 section 714.16(2)(j), both of which also relate to the sale,
5 lease, rental, or advertisement of a water treatment system.
6 Under Code section 714.16(2)(i), it is an unlawful practice for
7 a person to sell, lease, rent, or advertise a water treatment
8 system in this state for which false or deceptive claims or
9 representations of removing health-related contaminants are
10 made. Under Code section 714.16(2)(j), it is an unlawful
11 practice for a person to make any representation or claim
12 that the seller's water treatment system has been approved or
13 endorsed by any agency of the state.

14 The bill takes effect January 1, 2023, and applies to the
15 sale, lease, rental, and advertisement of water treatment
16 systems which occur on or after that date.